

Hon. John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KAREN D. SMITH,

Plaintiff,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE BENEFIT OF THE
CERTIFICATEHOLDERS OF THE CWABS
INC., ASSET-BACKED CERTIFICATES,
SERIES 2007-SD1, and NEW PENN
FINANCIAL LLP, d/b/a SHELLPOINT
MORTGAGE SERVICING, LLC, MTC
FINANCIAL INC., DBA TRUSTEE CORPs,
and MALCOLM & CISNEROS, A LAW
CORPORATION,

Defendants.

Case No. 2:19-cv-00538-JCC

**AMENDED ANSWER OF
DEFENDANTS THE BANK OF NEW
YORK MELLON AND NEWREZ LLC
TO THE AMENDED COMPLAINT**

Defendants The Bank of New York Mellon fka The Bank of New York, as Trustee for the Benefit of the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2007-SD1 (“The Bank of New York Mellon”) and NewRez LLC fka New Penn Financial, LLC dba Shellpoint Mortgage Servicing (erroneously sued as “New Penn Financial LLP, d/b/a Shellpoint Mortgage Servicing, LLC”) (“Shellpoint”) (collectively, “Defendants”) hereby answer the Amended Complaint of Karen D. Smith (“Plaintiff”) as follows:

AMENDED ANSWER OF DEFENDANTS THE BANK OF NEW
YORK MELLON AND NEW REZLLC - 1

Donald G. Grant, P.S.
Attorneys and Counselors at Law
Washougal Town Square, Ste 245
1700 Main Street
Washougal, WA 98671
TEL: (360) 694-8488
FAX: (360) 694-8688
E-MAIL: don@dongrantps.com

PARTIES, JURISDICTION AND VENUE

1
2 1. Answering paragraph 1 of the Complaint, Defendants are without sufficient
3 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
4 denies them.

5 2. Answering paragraph 2 of the Complaint, Defendants deny the allegations.

6 3. Answering paragraph 3 of the Complaint, Defendants admit the allegations.

7 4. Answering paragraph 4 of the Complaint, Defendants deny the allegations.

8 5. Answering paragraph 5 of the Complaint, Defendants deny the allegations.

9 6. Answering paragraph 6 of the Complaint, Defendants admit Plaintiff was in
10 default when Shellpoint began servicing the mortgage loan. Defendants deny the remaining
11 allegations.

12 7. Answering paragraph 7 of the Complaint, Defendants deny the allegations.

13 8. Answering paragraph 8 of the Complaint, Defendants deny the allegations.

14 9. Answering paragraph 9 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
16 denies them.

17 10. Answering paragraph 10 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
19 denies them.

20 11. Answering paragraph 11 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
22 denies them.

23 12. Answering paragraph 12 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
25 denies them.

13. Answering paragraph 13 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of these allegations, and on that basis, denies them.

14. Answering paragraph 14 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of these allegations, and on that basis, denies them.

15. Answering paragraph 15 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of these allegations, and on that basis, denies them.

16. Answering paragraph 16 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of these allegations, and on that basis, denies them.

17. Answering paragraph 17 of the Complaint, Defendants admit the allegations.

18. Answering paragraph 18 of the Complaint, Defendants admit the venue is proper, and the property is located in King County, Washington, but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations, and on that basis, denies them.

FACTS

19. Answering paragraph 19 of the Complaint, Defendants admit the allegations.

20. Answering paragraph 20 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of these allegations, and on that basis, denies them.

21. Answering paragraph 21 of the Complaint, Defendants are without sufficient knowledge or information to form a belief as to the truth of these allegations, and on that basis, denies them.

1 22. Answering paragraph 22 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 23. Answering paragraph 23 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 24. Answering paragraph 24 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
9 denies them.

10 25. Answering paragraph 25 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
12 denies them.

13 26. Answering paragraph 26 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
15 denies them.

16 27. Answering paragraph 27 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
18 denies them.

19 28. Answering paragraph 28 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
21 denies them.

22 29. Answering paragraph 29 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
24 denies them.

25 30. Answering paragraph 30 of the Complaint, Defendants admit the allegations.
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1 31. Answering paragraph 31 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 32. Answering paragraph 32 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 33. Answering paragraph 33 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
9 denies them.

10 34. Answering paragraph 34 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
12 denies them.

13 35. Answering paragraph 35 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
15 denies them.

16 36. Answering paragraph 36 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
18 denies them.

19 37. Answering paragraph 37 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
21 denies them.

22 38. Answering paragraph 38 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
24 denies them.
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1 39. Answering paragraph 39 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 40. Answering paragraph 40 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 41. Answering paragraph 41 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
9 denies them.

10 42. Answering paragraph 42 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
12 denies them.

13 43. Answering paragraph 43 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
15 denies them.

16 44. Answering paragraph 44 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
18 denies them.

19 45. Answering paragraph 45 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
21 denies them.

22 46. Answering paragraph 46 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
24 denies them.
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1 47. Answering paragraph 47 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 48. Answering paragraph 48 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 49. Answering paragraph 49 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
9 denies them.

10 50. Answering paragraph 50 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
12 denies them.

13 51. Answering paragraph 51 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
15 denies them.

16 52. Answering paragraph 52 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
18 denies them.

19 53. Answering paragraph 53 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
21 denies them.

22 54. Answering paragraph 54 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
24 denies them.
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1 55. Answering paragraph 55 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 **CAUSES OF ACTION**

5 56. Answering paragraph 56 of the Complaint, Defendants incorporate by reference
6 its responses to the preceding paragraphs on the Complaint as though fully set forth herein.

7 57. Answering paragraph 57 of the Complaint, Defendants deny the allegations.

8 58. Answering paragraph 58 of the Complaint, Defendants are without sufficient
9 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
10 denies them.

11 59. Answering paragraph 59 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
13 denies them.

14 60. Answering paragraph 60 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
16 denies them.

17 61. Answering paragraph 61 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
19 denies them.

20 62. Answering paragraph 62 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
22 denies them.

23 63. Answering paragraph 63 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
25 denies them.
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1 64. Answering paragraph 64 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 65. Answering paragraph 65 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 66. Answering paragraph 66 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
9 denies them.

10 67. Answering paragraph 67 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
12 denies them.

13 68. Answering paragraph 68 of the Complaint, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
15 denies them.

16 69. Answering paragraph 69 of the Complaint, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
18 denies them.

19 70. Answering paragraph 70 of the Complaint, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
21 denies them.

22 71. Answering paragraph 71 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
24 denies them.

1 72. Answering paragraph 72 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 73. Answering paragraph 73 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 74. Answering paragraph 74 of the Complaint, the website speaks for itself and no
8 response is required.

9 75. Answering paragraph 75 of the Complaint, the website speaks for itself and no
10 response is required.

11 76. Answering paragraph 76 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
13 denies them.

14 77. Answering paragraph 77 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
16 denies them.

17 78. Answering paragraph 78 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
19 denies them.

20 79. Answering paragraph 79 of the Complaint, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
22 denies them.

23 80. Answering paragraph 80 of the Complaint, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
25 denies them.

1 81. Answering paragraph 81 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 82. Answering paragraph 82 of the Complaint, Defendants deny the allegations.

5 83. Answering paragraph 83 of the Complaint, Defendants are without sufficient
6 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
7 denies them.

8 84. Answering paragraph 84 of the Complaint, Defendants are without sufficient
9 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
10 denies them.

11 85. Answering paragraph 85 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
13 denies them.

14 86. Answering paragraph 86 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
16 denies them.

17 87. Answering paragraph 87 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
19 denies them.

20 88. Answering paragraph 88 of the Complaint, Defendants deny the allegations.

21 89. Answering paragraph 89 of the Complaint, Defendants deny the allegations.

22 90. Answering paragraph 90 of the Complaint, Defendants incorporate by reference
23 its responses to the preceding paragraphs on the Complaint as though fully set forth herein.

24 91. Answering paragraph 91 of the Complaint, Defendants are without sufficient
25 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
26 denies them.

1 92. Answering paragraph 92 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 93. Answering paragraph 93 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 94. Answering paragraph 94 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
9 denies them.

10 95. Answering paragraph 95 of the Complaint, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
12 denies them.

13 96. Answering paragraph 96 of the Complaint, Defendants deny the allegations.

14 97. Answering paragraph 97 of the Complaint, Defendants deny the allegations.

15 98. Answering paragraph 98 of the Complaint, Defendants deny the allegations.

16 99. Answering paragraph 99 of the Complaint, Defendants incorporate by reference
17 its responses to the preceding paragraphs on the Complaint as though fully set forth herein.

18 100. Answering paragraph 100 of the Complaint, Defendants are without sufficient
19 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
20 denies them.

21 101. Answering paragraph 101 of the Complaint, Defendants are without sufficient
22 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
23 denies them.

24 102. Answering paragraph 102 of the Complaint, Defendants are without sufficient
25 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
26 denies them.
27
28

1 103. Answering paragraph 103 of the Complaint, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
3 denies them.

4 104. Answering paragraph 104 of the Complaint, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
6 denies them.

7 105. Answering paragraph 105 of the Complaint, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
9 denies them.

10 106. Answering paragraph 106 of the Complaint, Defendants deny the allegations.

11 107. Answering paragraph 107 of the Complaint, Defendants deny the allegations.

12 108. Answering paragraph 108 of the Complaint, Defendants incorporate by reference
13 its responses to the preceding paragraphs on the Complaint as though fully set forth herein.
14

15 109. Answering paragraph 109 of the Complaint, Defendants admit the allegations.

16 110. Answering paragraph 110 of the Complaint, Defendants deny the allegations.

17 111. Answering paragraph 111 of the Complaint, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
19 denies them.

20 112. Answering paragraph 112 of the Complaint, Defendants deny the allegations.

21 113. Answering paragraph 113 of the Complaint, Defendants deny the allegations.

22 114. Answering paragraph 114 of the Complaint, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
24 denies them.

25 115. Answering paragraph 115 of the Complaint, Defendants are without sufficient
26 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
27 denies them.
28

1 116. Answering paragraph 116 of the Complaint, Defendants deny the allegations.

2 117. Answering paragraph 117 of the Complaint, Defendants are without sufficient
3 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
4 denies them.

5 118. Answering paragraph 118 of the Complaint, Defendants deny the allegations.

6 119. Answering paragraph 119 of the Complaint, Defendants deny the allegations.

7 120. Answering paragraph 120 of the Complaint, Defendants deny the allegations.

8 121. Answering paragraph 121 of the Complaint, Defendants deny the allegations.

9 122. Answering paragraph 122 of the Complaint, Defendants incorporate by reference
10 its responses to the preceding paragraphs on the Complaint as though fully set forth herein.

11 123. Answering paragraph 123 of the Complaint, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
13 denies them.

14 124. Answering paragraph 124 of the Complaint, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of these allegations, and on that basis,
16 denies them.

17 125. Answering paragraph 125 of the Complaint, Defendants deny the allegations.

18 126. Answering paragraph 126 of the Complaint, Defendants deny the allegations.

19
20 **PRAYER**

21 127. Answering the Prayer for Relief and Damages, Defendants deny these allegations
22 and deny that Plaintiff is entitled to any relief whatsoever from Defendants.

23 **AFFIRMATIVE DEFENSES**

24 **FIRST AFFIRMATIVE DEFENSE**

25 **(Unclean Hands)**

26 128. Plaintiff's quiet title claim is an equitable claim. *See Kobza v. Tripp*, 105 Wash.
27 App. 90 (2001). The claim is barred, in whole or in part, from obtaining the equitable relief
28

sought in the Complaint by the doctrine of unclean hands in that Plaintiff has violated the principles of conscience and good faith by failing to make all payments on her mortgage loan. The doctrine of unclean hands “bars relief to a plaintiff who has violated conscience, good faith or other equitable principles in his prior conduct, as well as to a plaintiff who has dirtied his hands in acquiring the right presently asserted.” *See POM Wonderful LLC v. Coca Cola Co.*, 166 F. Supp. 3d 1085, 1091–92 (C.D. Cal. 2016).

SECOND AFFIRMATIVE DEFENSE

(Equitable Lien)

129. If there is no valid lien at law, Defendants are entitled to an equitable lien against Plaintiff’s real property in order to carry out the intention of the parties to grant a security interest in the real property and prevent an injustice. *See In re Courson*, 409 B.R. 516, 527 (Bankr. E.D. Wash. 2009).

THIRD AFFIRMATIVE DEFENSE

(Tolling)

130. Any claims alleged by Plaintiff’s Complaint to be time-barred are subject to equitable tolling due to Plaintiff’s bankruptcy filings, participation in foreclosure mediation programs, and the initiation of non-judicial foreclosure proceedings. Additionally, Washington courts have long recognized that the initiation of non-judicial foreclosure proceedings tolls the statute of limitations on the foreclosure of the subject property. Washington courts similarly recognize that multiple incomplete, non-judicial foreclosure proceedings may be counted together to toll the limitations period. *See Hoffman v. PennyMac Holdings, LLC*, No. C17-1062JLR, 2018 WL 6448779, at *5 (W.D. Wash. Dec. 10, 2018).

FOURTH AFFIRMATIVE DEFENSE

(Setoff)

131. The claims alleged by Plaintiff are subject to setoff and/or recoupment for all amounts due and owing to Defendants. *See Los Angeles Cty. Employees Ret. Ass’n v. Towers*,

1 *Perrin, Forster & Crosby, Inc.*, No. CV 01-1351DDP(CTX), 2002 WL 32919576, at *7 (C.D.
2 Cal. June 20, 2002).

3 **FIFTH AFFIRMATIVE DEFENSE**

4 **(Duty to Mitigate)**

5 132. Plaintiff has a duty to mitigate damages and such damages are barred or limited
6 by her failure to assert debt collection claims upon a reasonable time from discovery. *See*
7 *Bernsen v. Big Bend Elec. Co-op., Inc.*, 68 Wash. App. 427, 434, 842 P.2d 1047, 1051 (1993).

8 **SIXTH AFFIRMATIVE DEFENSE**

9 **(Plaintiff's Fault)**

10 133. If Plaintiff suffered or sustained any loss, injury, damage or detriment, the same
11 was directly and proximately caused and contributed to by Plaintiff's failure to make her
12 mortgage loan payments when the payments were due, and not by Defendants.

13 **SEVENTH AFFIRMATIVE DEFENSE**

14 **(Not a Debt Collector)**

15 134. Plaintiff's FDCPA claim is barred because defendants are not debt collectors
16 within the meaning of the FDCPA because The Bank of New York Mellon is the assignee of
17 Plaintiff's mortgage loan and Shellpoint services the mortgage loan on behalf of The Bank of
18 New York Mellon. *See Pratap v. Wells Fargo Bank, N.A.*, 63 F. Supp. 3d 1101, 1113 (N.D. Cal.
19 2014).

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WHEREFORE, Defendants pray for judgment as follows:

1. That Plaintiff takes nothing by reason of the Complaint;
2. For its costs of suit herein;
3. For attorneys' fees to the extent available by law or contract; and
4. For other such relief as this Court may deem just and proper.

DATED: July 1, 2019.

/s/ Donald G. Grant

DONALD G. GRANT, WSBA#15480

Of Counsel for Defendants The Bank of New York Mellon fka The Bank of New York, as Trustee for the Benefit of the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2007-SD1 and NewRez LLC fka New Penn Financial, LLC dba Shellpoint Mortgage Servicing (erroneously sued as "New Penn Financial LLP, d/b/a Shellpoint Mortgage Servicing, LLC")

Donald G. Grant, P.S.

Attorneys and Counselors at Law

Washougal Town Square, Suite 245

1700 Main Street

Washougal, WA 98671

TEL: (360) 694-8488

CELL: (360) 907-3094

FAX: (360) 694-8688

E-MAIL: don@dongrantps.com

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court on July 1, 2019, using the CM/EFC system which will send notification of such filing to the following:

Arthur E Ortiz
6015 CALIFORNIA AVE SW
NO. 203
SEATTLE, WA 98136
206-898-5704
Email: arthur@aeolegal.com
Of Counsel for Plaintiff Karen D. Smith

Christina Latta Henry
HENRY & DEGRAAFF, PS
787 MAYNARD AVE S
SEATTLE, WA 98104
206-330-0595
Fax: 206-400-7609
Email: chenry@HDM-legal.com
Of Counsel for Plaintiff Karen D. Smith

Michael Steven DeLeo
PETERSON RUSSELL KELLY PLLC
1850 SKYLINE TOWER
10900 NE 4TH ST
BELLEVUE, WA 98004-8341
425-462-4700
Fax: 452-451-0714
Email: mdeleo@prklaw.com
Of Counsel for Defendant MTC Financial, LLC

Nathan F. Smith, WSBA #43160
Malcolm ♦ Cisneros, Law Corporation
2112 Business Center Drive
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org
Of Counsel for Defendant Malcolm ♦ Cisneros, A Law Corporation

/s/ Donald G. Grant
DONALD G. GRANT